

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 521

Introduced by Assembly Member Diaz

February 18, 2003

An act to ~~add Section 4074.5 to amend, add, and repeal Section 4074~~ of the Business and Professions Code, relating to pharmacies.

LEGISLATIVE COUNSEL'S DIGEST

AB 521, as amended, Diaz. Prescription drug warnings.

Existing law, the Pharmacy Law, requires a pharmacist *dispensing certain prescription drugs* to inform a patient, orally or in writing, of ~~certain~~ information about ~~the~~ *their* harmful effects ~~of a prescription drug~~ *when* taken in combination with alcohol. Existing law makes the violation of the Pharmacy Law a crime.

This bill, *commencing on January 1, 2005*, would ~~additionally also~~ require a pharmacist to ~~include a large-print informational insert with each drug dispensed by prescription informing~~ *inform* the patient ~~when~~ *if* the drug poses a substantial risk of harm ~~if~~ *when* taken in combination with ~~alcohol or other prescription or nonprescription medication and~~ *would require that information given in writing be in at least 12-point type if the drug poses a substantial risk of harm when taken in combination with alcohol or other medications.*

Because a violation of this requirement would be punishable as a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 4074.5 is added to the Business and~~
2 ~~Professions Code, to read:~~

3 ~~4074.5. A pharmacist shall include a large print~~
4 ~~informational insert with each drug dispensed by prescription~~
5 ~~informing the patient when the drug poses a substantial risk of~~
6 ~~harm to the person consuming the drug if taken in combination~~
7 ~~with alcohol or other medications, including both prescription and~~
8 ~~nonprescription drugs.~~

9 *SECTION 1. Section 4074 of the Business and Professions*
10 *Code is amended to read:*

11 4074. (a) A pharmacist shall inform a patient orally or in
12 writing of the harmful effects of a drug dispensed by prescription
13 if the drug poses substantial risk to the person consuming the drug
14 when taken in combination with alcohol or if the drug may impair
15 a person's ability to drive a motor vehicle, whichever is applicable,
16 and provided the drug is determined by the board pursuant to
17 subdivision (b) to be a drug or drug type for which this warning
18 shall be given.

19 (b) The board may by regulation require additional information
20 or labeling.

21 (c) This section shall not apply to drugs furnished to patients in
22 conjunction with treatment or emergency services provided in
23 health facilities or, except as provided in subdivision (d), to drugs
24 furnished to patients pursuant to subdivision (a) of Section 4056.

25 (d) A health facility shall establish and implement a written
26 policy to ensure that each patient shall receive information
27 regarding each medication given at the time of discharge and each
28 medication given pursuant to subdivision (a) of Section 4056. This
29 information shall include the use and storage of each medication,
30 the precautions and relevant warnings, and the importance of
31 compliance with directions. This information shall be given by a

1 pharmacist or registered nurse, unless already provided by a
2 patient's prescriber, and the written policy shall be developed in
3 collaboration with a physician, a pharmacist, and a registered
4 nurse. The written policy shall be approved by the medical staff.
5 Nothing in this subdivision or any other provision of law shall be
6 construed to require that only a pharmacist provide this
7 consultation.

8 *(e) This section shall be repealed on January 1, 2005.*

9 SEC. 2. *Section 4074 is added to the Business and Professions*
10 *Code, to read:*

11 *4074. (a) A pharmacist shall inform a patient orally or in*
12 *writing of the harmful effects of a drug dispensed by prescription*
13 *if the drug poses substantial risk to the person consuming the drug*
14 *when taken in combination with alcohol or other medications,*
15 *including both prescription and nonprescription drugs, or if the*
16 *drug may impair a person's ability to drive a motor vehicle,*
17 *whichever is applicable, and provided the drug is determined by*
18 *the board pursuant to subdivision (b) to be a drug or drug type for*
19 *which this warning shall be given.*

20 *(b) The board may by regulation require additional*
21 *information or labeling.*

22 *(c) This section shall not apply to drugs furnished to patients*
23 *in conjunction with treatment or emergency services provided in*
24 *health facilities, or, except as provided in subdivision (d), to drugs*
25 *furnished to patients pursuant to subdivision (a) of Section 4056.*

26 *(d) A health facility shall establish and implement a written*
27 *policy to ensure that each patient receives information regarding*
28 *each medication given at the time of discharge and each*
29 *medication given pursuant to subdivision (a) of Section 4056. This*
30 *information shall include the use and storage of each medication,*
31 *the precautions and relevant warnings, and the importance of*
32 *compliance with directions. This information shall be given by a*
33 *pharmacist or registered nurse, unless already provided by a*
34 *patient's prescriber, and the written policy shall be developed in*
35 *collaboration with a physician, a pharmacist, and a registered*
36 *nurse. The written policy shall be approved by the medical staff.*
37 *Nothing in this subdivision or any other provision of law shall be*
38 *construed to require that only a pharmacist provide this*
39 *consultation.*

1 (e) *The information required by subdivision (a), if provided in*
2 *writing, shall be printed in at least 12-point type whenever the*
3 *drug poses a substantial risk of harm to the person consuming the*
4 *drug if taken in combination with alcohol or other medications,*
5 *including both prescription and nonprescription drugs.*

6 (f) *This section shall become operative on January 1, 2005.*

7 SEC. 3. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

